

REMARKS

This application is amended in a manner believed to place it in condition for allowance.

Claims 23, 25, 28, 34, 46, 48, 50, 60, 75 and 76 are amended. Support for the amended claims may be found, for example, at page 6, lines 28-36, page 8, line 10 to page 9, line 20, and page 11, lines 30-35.

Claims 1-22, 26 and 27 are cancelled.

Claims 23-25 and 28-81 remain pending in the application.

The Official Action rejects claim 46 under 35 USC 112, second paragraph, as allegedly being indefinite for lacking antecedent basis for the term "said range".

Claim 46 is amended to depend from claim 45, which recites a range, and, thus, claim 46 is definite.

Therefore, withdrawal of this rejection is respectfully requested.

Claims 23-25, 59, 63, 65, 70 and 72 are rejected under 35 USC 102(b) as allegedly being anticipated by WALDMANN-LAUE et al. US 5,539,001 ("WALDMANN-LAUE"). This rejection is respectfully traversed.

WALDMANN-LAUE is offered for teaching disinfecting hard surfaces with an aromatic alcohol and an alkyl glycerol ether

when $x=0$ and R_2 is a C_{6-22} alkoxyethyl group for $R_2-CHOH-(CHR_3)_x-CH_2OH$ for formula II, as well as a salt and magnesium.

However, WALDMANN-LAUE does not disclose the claimed invention. WALDMANN-LAUE discloses treatment at room temperature with a weight ratio of aromatic alcohol to formula II of 9:1 to 1:9 and, thus, fails to disclose or suggest disinfecting at $30^\circ C$ or greater with a weight ratio of glycerol ether to aromatic alcohol of 0.09 or less as recited in independent claim 23. Thus, WALDMANN-LAUE does not anticipate independent claim 23, and dependent claims 24, 25, 59, 63, 65, 70 and 72.

Therefore, withdrawal of this rejection is respectfully requested.

Claims 42, 48-58, and 60-62 are rejected under 35 USC 103(a) as allegedly being unpatentable over WALDMANN-LAUE. This rejection is respectfully traversed.

As discussed above, WALDMANN-LAUE fails to disclose or suggest the features recited in independent claim 23. Accordingly, WALDMANN-LAUE alone cannot render obvious 42, 48-58, and 60-62, which depend from claim 23.

Therefore, withdrawal of the rejection is respectfully requested.

Claims 26-40, 43, and 45-47 are rejected under 35 USC 103(a) as allegedly being unpatentable over WALDMANN-LAUE in view of TU et al. WO 92/09309 ("TU"). This rejection is respectfully traversed.

The features previously recited in claim 26 and 27 are now recited in independent claim 23.

WALDMANN-LAUE is offered for the same reasons as discussed above. The Official Action recognizes that WALDMANN-LAUE fails to disclose the recited disinfection temperatures, application methods, and times, as recited in claims 23, 27-40, 43, and 45-47.

TU is offered for teaching a method of sterilization of hard surfaces, including the use of a glycidyl ether composition at a treatment temperature between ambient temperature and 100°C. TU is also offered for the general teaching "percent kill can usually be increased just by increasing the temperature of the solution and/or sterilization time".

However, regardless of the ability of TU to teach that for which it is offered, TU fails to remedy the shortcomings of WALDMANN-LAUE for reference purposes. TU also fails to disclose or suggest utilizing a weight ratio of a glycerol ether to aromatic alcohol of 0.09 or less as recited in independent claim 23. Thus, the proposed combination fails to render obvious claims 27-40, 43, and 45-47.

Therefore, withdrawal of the rejection is respectfully requested.

Claims 41 and 71 are rejected under 35 USC 103(a) as allegedly being unpatentable over WALDMANN-LAUE in view of SAUD

et al US 2004/0001797 ("SAUD"). This rejection is respectfully traversed.

WALDMANN-LAUE is offered for the reasons discussed above.

SAUD is offered for teaching a disinfecting composition that is sprayed and may comprises a glycerol ether, alcohol, and triclosan in combination.

However, SAUD does not remedy the deficiencies of WALDMANN-LAUE for reference purposes, as SAUD does not disclose or suggest the recited weight ratio of independent claim 23. Thus, the proposed combination fails to render obvious claims 41 and 71.

Therefore, withdrawal of the rejection is respectfully requested.

Claim 44 is rejected under 35 USC 103(a) as allegedly being unpatentable over WALDMANN-LAUE in view of TU, further in view of MINER et al US 6,096,348 ("MINER"). This rejection is respectfully traversed.

WALDMANN-LAUE and TU are offered for the reasons discussed above.

MINER is offered for teaching that it is well known that endoscopes are difficult to sterilize due to their sensitivity to high temperatures and pressures.

However, MINER does not remedy the deficiencies of WALDMANN-LAUE for reference purposes, as MINER does not disclose

or suggest the recited weight ratio of independent claim 23. Thus, the proposed combination fails to render obvious claim 44.

Therefore, withdrawal of the rejection is respectfully requested.

Claims 64-68 are rejected under 35 USC 103(a) as allegedly being unpatentable over WALDMANN-LAUE in view of EGGENSPERGER et al US 5,393,789 ("EGGENSPERGER"). This rejection is respectfully traversed.

WALDMANN-LAUE IS offered for the reasons discussed above.

EGGENSPERGER is offered for teaching suitable aromatic alcohols used for antimicrobial compositions, such as phenyl ethanol, phenyl propanol, benzyl alcohol, phenoxyethanol, and phenoxypropanol, and oligoalkanol aryl ethers.

However, regardless of the ability of EGGENSPERGER to teach that for which it is offered, EGGENSPERGER cannot remedy the shortcomings of WALDMANN-LAUE for references purposes. EGGENSPERGER fails to disclose or suggest the recited weight ratio of glycerol ether to such aromatic alcohols as recited in independent claim 23. Thus, the proposed combination fails to render obvious claims 23 and 64-68.

Therefore, withdrawal of the rejection is respectfully requested.

Claims 73 and 74 are rejected under 35 USC 103(a) as allegedly being unpatentable over LANGFORD US 5,906,802 ("LANGFORD") in view of WALDMANN-LAUE. This rejection is respectfully traversed.

LANGFORD is offered for teaching sterilizing a medical instrument by cleaning, disinfecting with a sterilant, rinsing with sterile water, and drying. The Official Action recognizes that LANGFORD fails to disclose the use of an alkyl glycerol ether as the sterilant.

WALDMANN-LAUE is offered for teaching disinfecting hard surfaces with an aromatic alcohol and a glycerol ether having a C₆₋₂₂ alkoxymethyl group. The position of the Official Action is that because WALDMANN-LAUE is effective at low-temperatures, it would have been an obvious choice for the sterilization process of LANGFORD.

However, neither LANGFORD nor WALDMANN-LAUE disclose or suggest disinfecting for 1 to 20 minutes as recited in independent claim 73. Accordingly, the proposed combination does not render obvious claims 73 and 74.

Therefore, withdrawal of the rejection is respectfully requested.

Claims 75-81 are rejected under 35 USC 103(a) as allegedly being unpatentable over LANGFORD in view of WALDMANN-LAUE, further in view of TU. This rejection is respectfully traversed.

The features recited in claim 80 are now recited in claim 73.

LANGFORD is offered for the reasons discussed above.

WALDMANN-LAUE is offered for the reasons discussed above.

The Official Action recognizes that neither publication teaches the recited temperatures of claims 75-80 or a time such as 1 to 20 minutes as recited in claim 73.

TU is offered for teaching "percent kill can usually be increased just by increasing the temperature of the solution and/or sterilization time", and specifically that treatment of hard surfaces is generally maintained from room temperature to 100°C.

However, TU also discloses the time for treatment room temperature to 100°C is 5 to 120 hours. TU fails to disclose or suggest that thermal disinfection is even possible from about 1 to about 20 minutes of disinfection. Thus, TU cannot remedy the shortcomings of LANGFORD for reference purposes, and the proposed combination fails to render obvious independent claim 73 and dependent claims 75-80.

Therefore, withdrawal of this rejection is respectfully requested.

Claims 23-25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 31-33, 37, and 51-53

of Application No. 10/445,715. This rejection is respectfully traversed.

Application No. 10/445,715 does not claim a particular temperature for disinfecting a surface, and, thus, alone, Application No. 10/445,715 cannot render obvious the claimed invention.

Therefore, withdrawal of this rejection is respectfully requested.

Claims 73-81 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 67-73, 75 and 80 of Application No. 10/825,266.

A terminal disclaimer will be filed with respect to Application No. 10/825,266, once allowable subject matter is indicated.

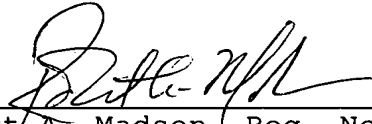
In view of the forgoing remarks, applicants believe that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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